

1871-002 Chancery Cases: John H. Allen for to vs. Alfred Hall
Lee Co.

Habern

CA-Debt

T-Property

To the Honorable Henry J. Morgan Judge of
the County Court of Lee County Virginia;

The Bill of Complaint of John H. Allen
who sues for the benefit of S. B. F. Habern
humbly Complaining respectfully represents That
on the 25th day of January 1860 in the County
of Lee he obtained a Judgment before a Justice
of the peace in and for said County against one
Alfred Hall for the Sum of \$18.00 with in-
terest from the 21st day of June 1859 the said
and 30 cts Costs and upon this Judgment an
execution was immediately ^{issued} but was not en-
forced as appears by the same Judgment and
execution a copy of which is herewith filed
^{marked (A)} and made a part of this bill and hence your
orator alleges that the said Judgment interest
and costs is still wholly and entirely unpaid
Your Orator further alleges that on the 22nd
day of September 1869 the said Judgment
and execution was returned to the County Court
Clerks office of Lee County and docketted and
recorded in said office and on the 31st day
of May 1871 an execution being of that date
was issued by the Clerk according to law
against the goods and chattels of the said
Alfred Hall which execution went into the
hands of William W. Mc Baker Deputy Sheriff
for Charles L. Hamblen Sheriff of Lee County and
who returned the same to the County Court Clerks
office of Lee County with the following return
indorsed thereon to wit "Not executed No
Property found Subject to Levy W. A. Mc Baker
G. S. for C. L. Hamblen S. L. C. June 1871"

A Copy of which execution with the endorsement thereon is herewith filed marked (B) and is made a part of this Bill, by which it will appear that the said judgment cannot be made out of the said Alfred Hall's personal estate and hence your orator alleges that the said Hall has no more personal estate that is now held by exemption laws but your orator alleges that the said Alfred Hall is the owner of a tract or parcel of land lying and being in Lee County containing about acres on which your orator's judgment is a valid and subsisting lien not impaired by the homestead exemption the said judgment having been obtained on the 25th day of January 1868, your orator will further state that he has sold and transferred the said judgment & execution to the said S. B. F. Habern and therefore this suit is brought for his benefit.

Now the object of this Bill is to subject the real estate owned by Alfred Hall to the payment of your orator's judgment interest and costs and the costs of this suit and being without an adequate remedy at law and best receivable in a court of equity his prayer therefore is that the said Alfred Hall be made the party defendant to this bill and that he be summoned and required to answer the same upon his oath and that upon a hearing of this cause a decree be entered against the said Alfred Hall's

real estate for the amount of your orator's judgment interest & costs and the costs of this suit and such other further and general relief be extended to your orator as may be consistent with equity and justice and best suited to this case. May the Court's writ of sp. issue directed &c.

David Miller for
Compl't.

For value received I hereby assign to S. B. F. Habern my judgment and execution against Alfred Hall on which this Bill is filed: This the 8th day of July 1871.

John H. Allen
by his attorney David Miller.

John H. Allen for &c.
vs. Bill in Chy.

Mixed Bill

Exhibits Filed

1871 Aug Bill filed, Spa Execd.
& Decree nisi
" Sept. Dismissed by plff
without costs.

John H. Allen for H.C. Plaintiff

against

Alfred Hall

Defendant

Decree in Chy.

This Cause came on to be heard upon the bill and exhibits filed in this Cause and was argued by Counsel and it appearing to the Court that process had been served on Defendant and this Cause was regularly matured at rules and set for hearing and the Defendant still failing to appear and answer the Complainant's bill the same is therefore taken for Confessed On Consideration of which it is hereby adjudged ordered and decreed that David Miller be and is hereby appointed a Commissioner to rent the Defendants real estate to the highest bidder on a credit of one year for the shortest time that will pay the said judgment interest and Costs & the Costs of this Suit requiring the Costs of this Suit and the expenses of renting to be paid in cash the said judgment being for \$18.60 with interest from the 21st day of June 1859 till paid and \$1.76 for Costs Subject to a Credit of \$1.00 paid January 17th 1870 But before executing this decree he will post a notice of the time and place, ^{& terms} of renting at the front door of Lee Courthouse and at one or more public places in the County for four weeks previous and he will report his action to a future term of this Court And the Cause is continued.

John H. Allen for H.
W. { Decree to rent
Alfred Hall

~~Lee~~ Lee COUNTY, to wit:—To Sam Edsall Constable of said County:

I hereby Command you to Summon *Alfred Hall*
if to be found in your district, to appear at *Ira Warner's house* in the said County
on the *24th* day of *Jan'y* 18*60*, before me or such other Justice of the said County as
may then be there to try this warrant to answer the complaint of *John H. Allen*

upon a claim for money not exceeding fifty dollars, exclusive of interest, to wit,
for the sum of \$ *18.60* due by *note* and then and there make return of this warrant.

Given under my hand, this *23rd* day of *Jan'y* 18*60*.
William B. Graham J. P.

John H. Allen } *25th* day of *January* 18*60*,
vs *Alfred Hall* } [In debt,] at *Ira Warner's house*
JUDGMENT that the Plaintiff recover of the Defendant \$ *18.60*, with interest from
21st day of *June* 18*59*, till paid, and \$ *0.30* for *his* costs.
Ira Warner J. P.

~~Va.~~ Lee County, to wit:—To Samuel Edsall Constable of said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels
of *Alfred Hall* in your County, you cause to be made the sum of \$ *18.60*
with interest thereon from the *21st* day of *June*, 18*59*, till paid, which

John H. Allen has recovered before *Ira Warner*
in a warrant in debt, and also the sum of \$ *0.30* which were adjudged to the said

John H. Allen for costs in prosecuting *his* said warrant.

Given under my hand, this *25th* day of *January* 18*60*.

Ira Warner J. P.

John H. Allen
vs. { Copy of Warrant
{ J. D. & J. L.
Alfred Hall

Executed Jay, D. &
1860
Saml. Edsall
Const.

Filed Sept 28th 1869
& Docketed in Justice Book
page 17 John B. West

(A)

Recd 25 Jay / 60
4 C. & C. / 60.
S. Edsall Const.

The within is a true copy of a minute judgment
and execution returned docket and recorded in the
office together with the endorsement thereon. This the
10th day of July 1871.

James Wm. Clark.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU, that of the goods and chattels of *Alfred Hall*

late in your bailiwick, you cause to be made \$ *18.60* with legal interest thereon from the
21st day of *June* 18*57*, till paid, which *John H. Allen*

lately before *Isaac Robinett* Gentleman, a Justice of the Peace for Lee County,
has recovered against *him* by warrant for debt also the sum
of \$ *.30* which to the said *Allen* before the said Justice was

adjudged for *his* costs in the said warrant expended, and the sum of *\$1.46*
for issuing execution from the Court of the said County of Lee, on the said Judgment, pursuant to the
Act of Assembly in that case made and provided, whereof the said *Hall*

is convicted as appears to us of record; and that you have the same before the ~~Justices~~ *Judge*
of our said Court, at the Court-House, on the first Monday in *August* next, to
render to the said *Allen* of the debt and costs aforesaid,

And have then there this writ. Witness, ~~JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON,~~
Clerk of our said Court, at the Court-House, this *31st* day of *May* 18*71*,
in the 94th. year of the Commonwealth.

James M. Orr Clerk.

a copy

Leate - James M. Orr, Clerk.

J. P. (17) 1m

John H. Allen

vs. ²Fi. Fa.

Alfred Hall

August Rules 1871.

Not executed no property
found subject to levy.
W. A. Mc. Baker D. S. for
C. L. Hambley S. L. C.
June 1871.

A copy

Teste J. W. Dr. 6th.

(B)

1870 Jan'y 14th Cr. by Cash paid by Mr. Price \$1.00.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY—GREETING!

WE COMMAND YOU TO SUMMON *Alfred Hall*

to appear before the Judge of our County Court, for Lee County, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in *August* next to answer abill in Chancery, exhibited in our said Court, against *him* by *John H Allen* who sues for the benefit of *B. B. F. Halburn*

And have then there this writ.
Court-House, this *8th* day of
Commonwealth.

Witness, *James* ~~JOHN~~ W. ORR, Clerk of our said Court, at the

July 1871, in the *96th* year of the

James W Orr Clerk,

^{Mr}
John H. Allen for &c
vs ³ ³ ³ Opa in Chancery
Alfred Hall

August Rules 1871.

Executed by delivery of
an attested official
Copy to Philip Kotler. As
Hall not being at home
and explaining same
to him July 13th 1871

Wm Ambschrofer
C. L. Hamblin S.C.